

# Notice of Allowability

Application No.

10/057,451

Examiner

Dwayne K Handy

Applicant(s)

RUEDIGER ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment/arguments filed 10/21/2004.
2. ☒ The allowed claim(s) is/are 86-88,90-115 and 117-124.
3. ☒ The drawings filed on 25 January 2002 and 08 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Epstein on 1/7/2004.

2. The application has been amended as follows:  
Claims 53-85 have been canceled.

### ***Allowable Subject Matter***

3. Claims 86-88, 90-115 and 117-124 are allowed.

4. The following is an examiner's statement of reasons for allowance:

In claims 86, 121 and 123 applicant has claimed an apparatus for performing reactions in a plurality of open-mouth, closed-bottom reaction vessels in conjunction with a liquid handler. The device is comprised of the following: (1) a base defining an insert-receiving space; (2) sealing means for sealing the mouths of the reaction vessels mounted above the base and between the reaction vessels and liquid dispensing means, wherein the sealing means is comprised of a sealing plate with a plurality of sealable openings each aligned with a different reaction vessel; and (3) first and second

inserts alternatively insertable into the insert receiving space. Each insert comprises a plurality of individual vessel receiving recesses arranged in a different array and aligning with a different one of the plurality of sealable openings. That is, each insert allows for the use of a different size and number of reactors while still allowing the liquid dispensing means to align with and dispense liquids to each reactor. Each insert also interacts with orientation means for causing the inserts to be held in the insert-receiving space of the base in only one orientation within the base. This orientation means is generally claimed in claim 86.

In claim 121 applicant has defined the orientation means as rounded corners in the base – corners having a specific radius - which align with the rounded insert corners of a specific radius present on the insert(s) such that the insert may be held in the insert-receiving space of the base in only one orientation within the base.

In claim 123, applicant has defined the orientation structure as an inclined sidewall on the insert that is inclined to a degree that corresponds to an inclined portion of the base such that the insert may be held in the insert-receiving space of the base in only one orientation within the base.

The Examiner did not find prior art that contains or suggests this combination of features. The Examiner considers the prior art “Brown” (6,657,169) to be the closest prior art. Brown teaches a reaction block system that includes an insert for holding reaction vessels, but does not teach multiple, interchangeable inserts with various alignment means for aligning the insert in the block.

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**Conclusion**

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700

DKH  
January 7, 2005